IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.56756 of 2007
RAM KALI DEVI & ANR
Versus
THE STATE OF BIHAR
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3 02.05.2008 Heard both sides.

This is an application for grant of bail in a case instituted under sections 328, 302, 120(B) of I.P.C. r/w section 34 of I.P.C.

As per the allegation in F.I.R., the deceased was living in the house of his in laws. It has been stated that the wife of the deceased had developed illicit relationship and therefore, the deceased was done to death inside the house.

Petitioner no. 1 is the mother in law where as the petitioner no. 2 is the wife of the deceased. The post mortem report disclosed the cause of death as throttling of the neck. From the impugned order, it appears that petitioner no. 1 is carrying a baby (minor son). She being the mother in law, is therefore, in the facts and circumstances of the case, is entitled for bail. Accordingly her bail application is allowed.

Let petitioner no. 1 Ram Kali Devi be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction Addl. Chief Judicial Magistrate, Rosera, Samastipur in connection with Bibhutipur P.s. case no. 45 of 2007.

So far as the nature of allegation against petitioner no. 2 as considered in the light of motive, this Court is not inclined to enlarge petitioner no. 2 on bail . Accordingly the bail application of petitioner no. 2 stands rejected.

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If the trial of the case is not taken up within seven months from the date of receipt of the order in the Court below , she may renew her prayer for bail.

**pkj** **( Kishore K. Mandal, J )**

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